

# PROOF OF PUBLICATION

STATE OF ALABAMA

PIKE COUNTY

Personally appeared before me, the undersigned authority:

*Sharron Smith*

*Classified Ad Manager, The Troy Messenger*

who being duly sworn, says that the attached

Legal Notice of publication appeared in

\_\_\_\_\_ successive issues of

**The Troy Messenger**, a daily newspaper

published in said county, on the following dates:

\_\_\_\_\_, 2005.

This the 10th day of August, 2005.

*Sharron H. Smith*

Sworn to and subscribed before me this 10th day of August, 2005.

*Shannon P. Harris*

Notary Public

My commission expires 11/05/07



ALABAMA  
REGIONS BANK, a  
state banking  
association,  
Plaintiff and  
Counter Claim  
Defendant as to  
Parcel 1

CHARLES RYLES,  
Administrative of  
the Estate of  
Charles C. Ryles,  
and CHARLES  
RYLES, as  
Charles C. Ryles,  
Check Care  
Systems, Andreana  
Philpher, Brenda  
Ryles, Charlene  
Ryles, Christopher  
Ryles, Dorothy D.  
Ryles, Gregory D.  
Ryles, Keronica  
Ryles, Kimberly  
Ryles and Sandra  
Ryles, Defendants,  
County Claim  
Defendants, and  
Cross Claim  
Defendants.

## NOTICE OF SALE

Under and by virtue of a Judgment in the above styled cause rendered by the Honorable Robert Barr, Circuit Judge, on the 21st day of July, 2005, I, Brenda M. Peacock, Clerk of the Circuit Court, shall on the 24th day of August, at 11:00 o'clock a.m. proceed to sell at public auction the following described real estate on the front steps of the Pike County Courthouse at Troy, Alabama, for cash to the best advantage of the parties.

Parcel 1: Lot 6 of the Plat of the Heights Subdivision as recorded in the Office of the Judge of Probate of Pike County, Alabama in Plat Book 3, page 127.

Parcel 2: Commencing at the intersection of the East line of the Northeast quarter of the Southwest quarter, Section 29, Township 9 North, Range 20 East, and the North right of way of the Goshen-Little Oak paved highway; thence South 69 degrees 45 minutes West 169 feet; thence North 69 degrees 45 minutes East 135.2 feet; thence South 69 degrees East the highway;

69 degrees 45 minutes West 169 feet; thence along the North right of way to the point of beginning. Said lot lying and being in the Northeast quarter of the Southwest quarter of the Southeast quarter of the Northwest quarter of the Southwest quarter of the Northeast quarter, and the Northwest quarter of the Southeast quarter, all in Section 29, Township 9 North, Range 20 East.

Done this the 21st day of July, 2005.

Brenda M. Peacock  
Circuit Clerk

James N. Thomas  
Attorney for the Plaintiff

1000  
Troy, Alabama  
36060

# Classified Advertising Invoice

## S.C. Alabama Classified Marketplace

Boone Newspapers  
P.O. Drawer 430  
Andalusia, AL 36420  
Phone: 866-SELLBUY  
Fax: (866) 302-1038

6

James N. Thomas  
James N. Thomas, LLC  
Attorney & Counselor at Law  
405 Elm Street  
P O Box 974  
TROY, AL 36081

Cust#: 02100865-000

Phone: (334)566-2181

Date: 08/09/05

Due Date: 08/24/05

Terms: Net 15 Days

Ad#	Text	Start	Stop	Days	Amount	Prepaid	Due
01507951-001	200113-Regions	07/26/05	08/09/05	3	327.75	0.00	327.75

Terms: Net 15 days. Please return copy with payment.

**Total Due**

**327.75**

**IN THE CIRCUIT COURT OF PIKE COUNTY, ALABAMA**

**REGIONS BANK, a**  
**state banking association,**

**Plaintiff and Counter Claim**  
**Defendant as to Parcel 1**

**CHARLENE RYLES, Administrator**  
**of the Estate of Charlie G. Ryles and**  
**CHARLENE RYLES, INDIVIDUALLY**

**Cross Claim Plaintiff,**

**V.**

**THE ESTATE OF CHARLES G.**  
**RYLES; CHECK CARE SYSTEMS;**  
**ANDREANA PHIPHER**  
**BLENDA RYLES; CHARLENE**  
**RYLES; CHRISTOPHER RYLES;**  
**DOROTHY D. RYLES; GREGORY D.**  
**RYLES; KERONICA RYLES;**  
**KIMBERLY RYLES & SANDRA**  
**RYLES,**  
**Defendants; Counter Claim**  
**Defendants; and Cross Claim**  
**Defendants.**

**CIVIL ACTION NO. CV -05-B- 014**

**NOTICE OF SALE**

Under and by virtue of a Judgment in the above styled caused rendered by the Honorable Robert Barr, Circuit Judge, on the 21 day of in July, 2005, I, Brenda M. Peacock, Clerk of the Circuit Court, shall on the 24 day of August at 11:00 o'clock A M, proceed to sell at public auction the following described real estate on the front steps of the Pike County Courthouse at Troy, Alabama, for cash to the best, highest and last bidder:

**Parcel 1**

**Lot 6 according to the Plat of Thomas Heights Subdivision as recorded in the Office of the Judge of Probate of Pike County, Alabama in Plat Book 3, page 127.**

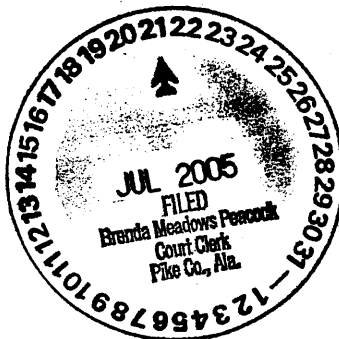
**Parcel 2**

Commencing at the intersection of the East line of the Northeast quarter of the Southwest quarter, Section 29, Township 9 North, Range 20 East, and the North right of way of the Goshen-Little Oak paved highway; thence South 69 degrees 45 minutes West 91.1 feet along the highway right of way; thence North 11 degrees 25 minutes West 163.1 feet; thence North 69 degrees 45 minutes East 135.2 feet; thence South 11 degrees 25 minutes East 163.1 feet to the highway right of way; thence South 69 degrees 45 minutes West 44.1 feet along the highway right of way to the point of beginning. Said lot lying and being in the Northeast quarter of the Southwest quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, and the Northwest quarter of the Southeast quarter, all in Section 29, Township 9 North, Range 20 East.

Done this 21<sup>st</sup> day of July, 2005.

  
BRENDA M. PEACOCK  
CIRCUIT CLERK

James N. Thomas  
Attorney for the Plaintiff  
405 E. Elm St.  
Troy, Alabama 36081  
(334)566-2181



**IN THE CIRCUIT COURT OF PIKE COUNTY, ALABAMA**

**REGIONS BANK, a  
state banking association,**

**Plaintiff and Counter Claim  
Defendant as to Parcel 1**

**CHARLENE RYLES, Administrator  
of the Estate of Charlie G. Ryles and  
CHARLENE RYLES, INDIVIDUALLY**

**Counter/Cross Claim Plaintiff.**

**V.**

**THE ESTATE OF CHARLES G.  
RYLES; CHECK CARE SYSTEMS;  
ANDREANA PHIPHER  
BLEND A RYLES; CHARLENE  
RYLES; CHRISTOPHER RYLES;  
DOROTHY D. RYLES; GREGORY D.  
RYLES; KERONICA RYLES;  
KIMBERLY RYLES & SANDRA  
RYLES**

**Defendants; Counter Claim  
Defendants; and Cross claim  
Defendants.**

**CIVIL ACTION NO. CV -05-B- 014**

**ORDER OF SALE**

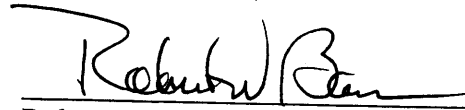
This matter coming before the Court on a Expungement of Discharge of Mortgage; Equitable Lien; Declaratory Action; Answer and Complaint for Sale for Division and with no objection having been made to any of the Causes of Action, except for that of Andreana Phipper who requested to purchase both properties which are the subject matter of the Sale for Division, the Court having provided Andreana Phipper with seven days to file a request to privately purchase the property and no response having been filed by Andreana Phipper; all remaining parties to the action having previously filed Acceptances of Service and Consents to Sell the

land; the Court having taken testimony ore tenus from Charlene Ryles and Andreana Phipper; and the other heirs of Charlie G. Ryles not having appeared in Court or otherwise made objection to the payment of the Regions Bank Mortgage which is security for parcel one (1) of the Answer and Complaint, the Court is of the Opinion that the both parcels of property described in the Complaint are jointly owned by the parties and cannot be equitably divided and that the Mortgage on parcel one (1) to Regions bank was released in error on parcel 1. Therefore, it is ORDERED., ADJUDGED, AND DECREED as follows:

1. That the Clerk of this Court sell at public out cry on the front steps of the Pike County Courthouse during the legal hours of sale, to the highest bidder for cash, the said property.
2. The notice of such sale be given to all parties; and that notice of such sale be published once a week for three consecutive weeks prior to the day of sale in the Troy Messenger, a newspaper fo general circulation in Pike County, Alabama.
3. That the mortgage held by Regions Bank is ordered reinstated and is to be paid off from the proceeds of the sale of parcel one (1) of the Complaint.
4. That James N. Thomas, attorney for the Plaintiff, be allowed a reasonable attorney's fee form the proceeds of such sale and reimbursed all Court Costs. That the law firm of Johnstone and Adams be awarded attorney fees and court costs in the amount of \$1,712.00 in their representation of Regions Bank from the sell of parcel 1.
5. That within 10 days of after holding such sale, the Clerk shall file the report of the sale with the Court and serve a copy on Counsel and the parties. The Clerk shall hold the bid of the highest bidder until the Court rules on whether to confirm such

sale.

DONE AND ORDERED this 21<sup>st</sup> day of July, 2005



Robert W. Barr  
Circuit Judge



**JOHNSTONE  
ADAMS**

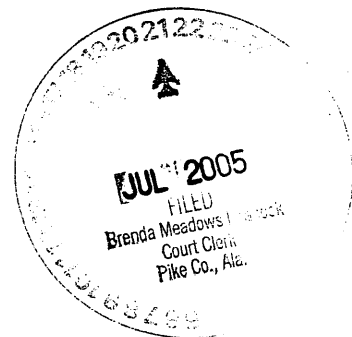
ALAN C. CHRISTIAN  
POST OFFICE BOX 1988  
MOBILE, ALABAMA 36633  
TELEPHONE (251) 432-7682  
DIRECT DIAL (251) 441-9208  
FACSIMILE (251) 432-2800  
E-MAIL ACC@JOHNSTONEADAMS.COM

June 20, 2005

**VIA FACSIMILE (334) 393-6675 AND U.S. MAIL**

The Honorable Robert W. Barr  
Presiding Circuit Judge  
Circuit Court of Pike County  
Post Office Box 805  
Troy, Alabama 36081

**Re: Regions Bank v. Estate of Charles G. Ryles, et al.;  
Circuit Court of Pike County, Alabama;  
Civil Action No.: CV-05-0014-B**



Dear Judge Barr:

Counsel for the Administratrix of the Estate of Charles G. Ryles and eight of his nine heirs, James N. Thomas, Esq. and I attempted to reach you today regarding the trial of this matter scheduled for Thursday, June 30, 2005. The only other party, Andreana Phipper, another heir, has appeared *pro se* and is very difficult to get in touch with.

Ms. Phipper has filed an Answer in which she "accepts" the first cause of action to expunge the erroneously recorded Discharge of Mortgage filed by Plaintiff, Regions Bank ("Regions"), as well as "accepts" the cause of action establishing an equitable lien and the cause of action for declaratory judgment. Mr. Thomas and I believe that Ms. Phipper concurs with the other eight heirs and the Estate that the Mortgage executed by Mr. Ryles in favor of Regions on or about August 22, 2003 ("2003 Mortgage") should be reinstated and paid from the proceeds of the sale of the mortgaged property, as requested by the Administratrix and other heirs.

Since all parties appear to be in agreement on the subject matter of the trial, Mr. Thomas and I felt it imprudent to increase the amount of attorneys' fees to be paid from the sale proceeds by my seemingly unnecessary appearance at the hearing on June 30, 2005. As

JOHNSTONE, ADAMS, BAILEY, GORDON & HARRIS, L.L.C. • ATTORNEYS AT LAW

104 ST. FRANCIS STREET  
MOBILE, ALABAMA 36602

104 HAND AVENUE  
BAY MINETTE, ALABAMA 36507



The Honorable Robert W. Barr  
June 20, 2005  
Page 2

the Estate in question is not large, the fewer attorneys' fees necessary to be paid will maximize the distributions to the heirs.

Mr. Thomas and I are in agreement that a stipulation or consent can be entered on this matter, but we are able to confirm exactly what Ms. Phipper means when she "accepts" the causes of action advanced by Regions. In the interest of judicial economy and the limited resources of the parties, Mr. Thomas and I suggest that if Ms. Phipper objects to reinstatement of the Mortgage, those claims be bifurcated from the other claims to be addressed and set for hearing at a subsequent time, prior to which Regions will submit a Motion for Summary Judgment.

Mr. Thomas and I called your office to discuss this matter today, but were advised that you would be in on Wednesday and Thursday of this week. With your indulgences, we will try to contact you on Wednesday or, if Mr. Thomas is not available, he will stop by your office to visit and I will call you separately. If we can find Ms. Phipper, we will try to get her on the telephone as well.

Thank you for your considerations in this matter.

Very truly yours,



Alan C. Christian

ACC/slh  
305230.wpd

cc: James N. Thomas, Esq. (via facsimile (334) 566-6004 and U.S. Mail)  
Ms. Andreana Phipper (via U.S. Mail)  
Ms. Deborah S. Renfroe (via hand delivery)

**JOHNSTONE  
ADAMS**

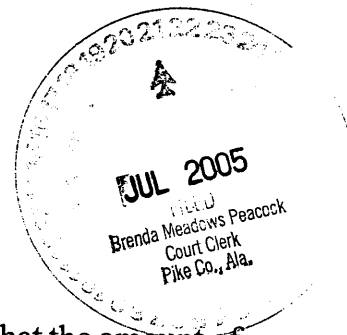
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FACSIMILE (251) 432-2800  
E-MAIL ACC@JOHNSTONEADAMS.COM

June 23, 2005

Ms. Andreana Phipper  
80 Country View Drive  
Shorter, Alabama 36075

**Re: Regions Bank v. Estate of Charles G. Ryles, et al.;**  
**Circuit Court of Pike County, Alabama;**  
**Civil Action No.: CV-05-0014-B**

Dear Ms. Phipper:



In confirmation of our telephone conference today, I have advised that the amount of attorneys' fees and costs which Regions will seek to recover upon payment of the Mortgage once the mortgaged property is sold will be \$1,712.00, and not the sum of \$5,432.61 set forth in my correspondence of June 21, 2005 to Mr. Thomas.

Thus, as of June 20, 2005, the total amount due to Regions is \$17,296.80, consisting of outstanding principal of \$14,112.35, accrued interest through June 20, 2005 of \$1,268.47, late fees of \$203.98 and attorneys' fees and costs of \$1,712.00. Interest continues to accrue at a per diem rate of \$3.43 after June 20, 2005.

You have confirmed that you have no objection to sale of the mortgaged property and payment of the Regions Mortgage in this amount, together with the accruing interest. You have also indicated that you most likely will attend the hearing before Judge Barr on Thursday, June 30, 2005 at 9:00 a.m.

As I mentioned, I will not be attendance at that hearing as we are attempting to minimize the amount of attorneys' fees and maximize the amount of sales proceeds to be distributed to the heirs of Mr. Ryles. By copy of this correspondence to Mr. Thomas and Judge Barr, I am advising that you may reached at (334) 727-4305, should the need arise in the future.

JOHNSTONE, ADAMS, BAILEY, GORDON & HARRIS, L.L.C. • ATTORNEYS AT LAW

104 ST. FRANCIS STREET  
MOBILE, ALABAMA 36602

104 HAND AVENUE  
BAY MINETTE, ALABAMA 36507

Ms. Andreana Phipper  
June 23, 2005  
Page 2

Thank you for your considerations in this matter.

Very truly yours,



Alan C. Christian

ACC/slh  
305582.wpd

cc: The Honorable Robert W. Barr (via U.S. Mail)  
James N. Thomas, Esq. (via facsimile (334) 566-6004 and U.S. Mail)  
Ms. Deborah S. Renfroe (via hand delivery)  
Ms. Joy Wooten (via hand delivery)

JOHNSTONE, ADAMS, BAILEY, GORDON & HARRIS, L.L.C. • ATTORNEYS AT LAW

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E-MAIL ACC@JOHNSTONEADAMS.COM

June 23, 2005

VIA FACSIMILE (334) 566-6004 AND U.S. MAIL

James N. Thomas, Esq.  
Post Office Box 974  
Troy, Alabama 36081

**Re: Regions Bank v. Estate of Charles G. Ryles, et al.;  
Circuit Court of Pike County, Alabama;  
Civil Action No.: CV-05-0014-B**

Dear Jim:

In my correspondence faxed to you Tuesday, I set forth an amount for attorneys' fees of \$5,432.61. It occurred to me last night that a substantial portion of those attorneys' fees relate to expunging the Discharge of Mortgage erroneously recorded by Regions Bank ("Regions"), and Regions has concurred that those fees will not be claimed in collecting the outstanding indebtedness.

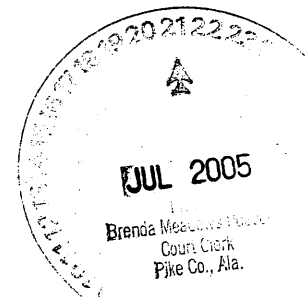
Accordingly, I would propose that attorneys' fees be capped at \$1,500.00, or approximately 10% of the outstanding indebtedness, plus costs of Court in the amount of \$212.00.

In confirmation of our telephone conference this afternoon, you have advised that the attorneys' fees and expenses in the total amount of \$1,712.00 set forth hereinabove is reasonable for this matter. You have also advised that you met with Judge Barr, who indicated that in the event the pro se Defendant, Ms. Phipper, in some manner objected to expungement of the erroneously recorded Discharge of the Regions Mortgage in question, Judge Barr would reset Regions claim at a subsequent time. In this manner, we can maximize the recovery to the Estate of Mr. Ryles while minimizing attorneys' fees and expenses.

JOHNSTONE, ADAMS, BAILEY, GORDON & HARRIS, L.L.C. • ATTORNEYS AT LAW

104 ST. FRANCIS STREET  
MOBILE, ALABAMA 36602


104 HAND AVENUE  
BAY MINETTE, ALABAMA 36507



James N. Thomas, Esq.  
June 23, 2005  
Page 2

Accordingly, I shall not be in attendance at the hearing on Thursday, June 30, 2005 before Judge Barr. By copy of this correspondence to Judge Barr, if he has any questions, I will be happy to address same.

Very truly yours,



Alan C. Christian

ACC/slh  
305516.wpd

cc: The Honorable Robert W. Barr (via U.S. Mail)  
Ms. Andreana Phipper (via U.S. Mail)  
Ms. Deborah S. Renfroe (via hand delivery)  
Ms. Joy Wooten (via hand delivery)

JOHNSTONE, ADAMS, BAILEY, GORDON & HARRIS, L.L.C. • ATTORNEYS AT LAW

104 ST. FRANCIS STREET  
MOBILE, ALABAMA 36602

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BAY MINETTE, ALABAMA 36507

**STATE OF ALABAMA**

Unified Judicial System

► File No.

Check one (Not for Workers' Comp., PFA, or Small Claims cases):

County

☐ District Court☐ Circuit Court

Style of case:

Regions Bank

**MOTION COVER SHEET**

v.

The Estate of Charles Ryles et al

Name of Filing Party:

James N. Thomas

Name, Address, and Telephone No. of Attorney or Party, If Not Represented:

Attorney Bar No.:

**Type of Motion (Check One)****Motions Requiring Fee**

- ☐ Default Judgment (\$50.00)
- ☐ Intervene or Appear as Third Party Plaintiff (\$ 300.00 )
- ☐ Joinder in Other Party's Dispositive Motion (i.e. Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Judgment on the Pleadings (\$50.00)
- ☐ Motion to Dismiss, or in the Alternative Summary Judgment (\$50.00)
- ☐ Other Dispositive Motion not pursuant to Rule 12(b) (\$50.00)
- ☐ Renewed Dispositive Motion (Summary Judgment, Judgment on the Pleadings, or other Dispositive Motion not pursuant to Rule 12(b)) (\$50.00)
- ☐ Summary Judgment or other Dispositive Motion not pursuant to Rule 12(b) (\$50.00)
- ☐ Other \_\_\_\_\_, pursuant to Rule \_\_\_\_\_ (\$50.00)

\* Motion fees are enumerated in §12-19-71(a). Fees pursuant to Local Act are not included. Please contact the Clerk of the Court regarding applicable local fees.

☐ Local Court Cost \$ \_\_\_\_\_

**Motions Not Requiring Fee**

- ☒ Add Party
- ☐ Amend
- ☐ Change of Venue/Transfer
- ☐ Compel
- ☐ Consolidation
- ☐ Contempt
- ☐ Continue
- ☐ Deposition
- ☐ Designate a Mediator
- ☐ Judgment as a Matter of Law (during trial)
- ☐ Disburse Funds
- ☐ Discovery
- ☐ Ex Parte Restraining
- ☐ Extension of Time
- ☐ In Limine
- ☐ Joinder
- ☐ More Definite Statement
- ☐ Motion to Dismiss pursuant to Rule 12(b)
- ☐ New Trial
- ☐ Objection of Exemptions Claimed
- ☐ Plaintiff's Motion to Dismiss or Stipulation of Dismissal
- ☐ Preliminary Injunction
- ☐ Protective Order
- ☐ Quash
- ☐ Release from Stay of Execution
- ☐ Sanctions
- ☐ Sever
- ☐ Show Cause
- ☐ Special Practice in Alabama
- ☐ Stay
- ☐ Strike
- ☐ Supplement to Pending Motion
- ☐ Temporary Restraining Order
- ☐ Vacate or Modify
- ☐ Withdraw
- ☐ Other \_\_\_\_\_, pursuant to Rule \_\_\_\_\_ (Subject to filing fee)

Check here if you have filed or are filing contemporaneously with this motion an Affidavit of Substantial Hardship ☐

Date:

9/19/05

Signature of Attorney or Party:

James N. Thomas

\*This Cover Sheet must be completed and submitted to the Clerk of Court upon the filing of any motion. Each motion should contain a separate Cover Sheet.

\*\* Motions titled 'Motion to Dismiss' that are not pursuant to Rule 12(b) and are in fact Motions for Summary Judgments are subject to filing fee